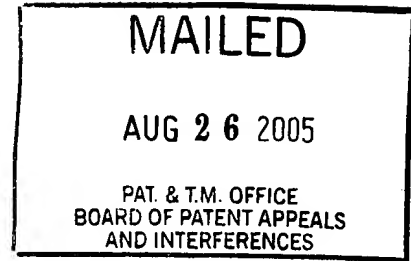


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



---

Ex parte CHARLES C. PACKHAM and TREVOR J. CRICHTON

---

Application No. 09/422,758

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

In addition, on April 20, 2004, the examiner filed an examiner's answer. There is no indication that an appeal conference was held because the examiner's answer contains only the typed names of the conferees. No signature or initialing by the conferees is present. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

Application No. 09/422,758

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.


Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) proper indication that an appeal conference was held; 2) notifying the appellants, in writing, that the appeal conference was held; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_

  
Craig R. Feinberg  
Program and Resource Administrator  
(571)272-9797

Application No. 09/422,758

cc: Fish & Richardson PC  
225 Franklin St.  
Boston, MA 02110

CRF/tdl